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Supreme Court of the United States

OCTOBER TERM, 1963

No. 1052

JESSIE E. JONES, *Petitioner*

v.

PRESIDENT AND DIRECTORS OF GEORGETOWN COLLEGE, INC., a Body Corporate

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Petition for Writ of Certiorari to the United States Court of Appeals for the District of Columbia

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No.

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TO THE SUPREME COURT OF THE UNITED STATES:

The above-named petitioner prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the District of Columbia.

OPINIONS BELOW

The opinion of the Court of Appeals is not yet reported. It is printed in Appendix A, *infra*, p. 2a. See also the opinion of Judge Wright of the Court of Appeals, "On Application for an Emergency Writ," also filed in this case, printed in Appendix B, *infra*, p. 17a.

JURISDICTION

The judgment of the Court of Appeals (Judge Wright) was entered September 17, 1963. (Appendix C, Exhibit A, *infra*, p. 32a) A petition for rehearing *en banc* was filed October 14, 1963. It was denied February 3, 1964, by a majority of the court, with four judges dissenting. (Appendix A, *infra*) The jurisdiction of the Court is invoked under 28 U. S. C. 1254 (1).

QUESTIONS PRESENTED

I.

Whether the federal judiciary has the power to invade the area of private contractual relationship between a doctor and a patient and whether a justiciable case or controversy is presented for decision by the Court when there is a difference of opinion between the contracting parties by ordering the patient-employer to accept medical treatment to which she objects.

II.

Whether a free, adult citizen of the United States has had her constitutional rights violated by a denial of her right to be let alone and her right to determine for herself what will be done to her own body by rejecting a particular form of medical treatment.

III.

Whether the First Amendment to the Constitution is violated by forcing a citizen against her will to accept a form of medical treatment that is a violation of her conscience and religion and whether a federal court has the authority to lend its aid in favor of such forced treatment.

IV.

Whether a self-mooting judicial act predicated on alleged emergency can be forever protected from proper judicial review on the ground that the unlawful invasion of constitutional liberties has been completed and is therefore moot.

STATUTE INVOLVED

The only judge of the Court of Appeals who tried to justify the order made was Judge Wright, who stated in his memorandum order of September 17, 1963, that he relied on Section 1651, Title 28, U. S. C. In his further opinion, filed following the petition for rehearing, Judge Wright said he relied on the Declaratory Judgment Act, 28 U. S. C. 2201, 2202.

STATEMENT

A. *The circumstances which gave rise to the order.*

Jessie E. Jones is a citizen of the United States, 25 years of age, resident in the District of Columbia. On September 17, 1963, at 6 a.m., she was admitted to Georgetown University Hospital in Washington, suffering from internal bleeding. By mid-afternoon her hematocrit was tested at 14 percent.[1] (Appendix C, Exhibit C, p. 38a)

[1] Normal is 40-44.